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Office of the Vice President
Information Technologies
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May 7, 1996

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Federal Communications Commission
1919 M Street, NW
Room 222
Washington, DC 20554

Re: Rulemaking 8775: ACTA Petition on Internet Voice

Honorable Members of the Commission:

Please accept these informal comments on the America's Carriers Telecommunication Association (ACTA) "Petition for Declaratory Ruling, Special Relief, and Institutional Rulemaking" concerning the providers of computer software products that enable a computer with Internet access to transmit data, including text, video and voice.

While a member institution of a number of organizations representing higher education in this matter, Cornell University maintains a special interest in this petition, as both the developer of CU-SeeMe and as an institution committed to the research and development of technological advances in communications. Cornell University and its collaborators developed CU-SeeMe, a free video conferencing program that allows for real time transmission of data, including text, voice and video. CU-SeeMe has a tremendous value providing connections between colleges, universities, secondary institutions and libraries. CU-SeeMe is part of the Global SchoolNet Foundation and therefore, plays a role in electronically linking school children from around the world. With CU-SeeMe, an individual can video conference with another site located anywhere. By using a reflector, multiple parties at different locations can participate in a CU-SeeMe conference, each from his or her own desktop computer. In addition to linking school children to each other and to libraries, CU-SeeMe and similar technology will greatly influence higher education's efforts to expand teaching and learning to distant sites.

Cornell University strongly urges the Commission to deny the ACTA petition for the following reasons:

The ACTA petition asserts that "providers of software are telecommunications carriers" and are, therefore, subject to FCC regulation. This assertion apparently relies on the belief that a software provider supplies an Internet long distance service. This premise is flawed and is the equivalent of arguing that a telephone developer, such as Radio Shack, is a telecommunications carrier. While it is accurate that the software is designed to operate in a personal computer that may be connected periodically to the public switched telecommunications network (PSTN), it would be a novel legal construction to stretch that to mean that the software developer is a provider of telecommunications services.

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Beyond our concerns about the creativity of this argument, is the greater concern that such a position is not in the public interest and would cause a dramatic increase in FCC regulations in order to determine which software products (at which particular moment) fit the new definition of a telecommunications carrier. As to this concern, is it important to note that the Commission previously determined that customer premises equipment connected to the network should be deregulated.

ACTA also asserts that the Internet is a finite resource and use of software to transmit certain data would interfere with the "customary types of Internet traffic." This is factually inaccurate. First, there is no practical limit on the increase of the capacity of the Internet. In addition, the Internet is a deliverer of undifferentiated bites which means the network does not distinguish between the kinds of data transmitted. Moreover, the particular use identified as causing interference, voice, is a low bandwidth application. Therefore, not only is the argument for regulation based on a flawed premise, but any attempt to identify and regulate certain pieces or kinds of data transmitted through the network would cause a tremendous burden the continued development of the Internet. As a result, regulation of this sort would run afoul of the mandate from the Telecommunications Act of 1996, which calls for a pro-competitive, deregulatory national policy encouraging the continued rapid development of advanced technologies and telecommunications.

The Telecommunications Act specifically directs the Commission to promote the development of "high speed, switched, broadband telecommunications capability that enables users to originate and receive high quality voice, data, graphics, and video telecommunications using any technology" 47 USC 157 and 254. One reason for the rapid development of the Internet lies in the Commission's decade-old decision to allow enhanced data services to develop without FCC regulation. As a result of this policy, the United States is the recognized world leader in networking technology. Acceptance of the ACTA arguments would seriously threaten continued advancements.

In the petition, ACTA also submits that a lack of a charge for voice services over the Internet is not in the public interest. However, it is inaccurate to assert that the voice services over the Internet are free. In addition to requiring the necessary hardware and software, Internet Service Providers price services based on the estimates of customer bandwidth utilization. There are advantages and disadvantages to choosing either voice services over the Internet or a circuit switched connection and it is in the public interest to allow the market to determine when to utilize a given service. The public interest is best served by allowing a variety of technologies to compete and develop unfettered by burdensome regulations.

Thank you for your consideration of this information .

Sincerely,



H. David Lambert
Vice President for Information Technologies

cc: R. Cogger
M. W. Hodges
S. Johnson